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RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND ALL FORMS OF DISCRIMINATION

Letter dated 21 March 2000 from the Permanent Representative of Georgia to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights

Upon the request of the Government of Georgia the Permanent Mission of Georgia to the United Nations Office and Other International Organizations at Geneva kindly asks to circulate the attached* document, "Georgia, Combating Racism and Intolerance (laws, traditions and judicial practices)" during the fifty-sixth session of the Commission on Human Rights under agenda item 6.

(Signed) Amiran KAVADZE
Ambassador
Permanent Representative

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Georgia

Combating Racism and Intolerance (laws, traditions and judicial practices)

1. Georgia, being a small country, has always been known as a very multinational society. In accordance with the latest data among the inhabitants of Georgia there are representatives of more than 90 nations and ethnic groups. According to the census of 1989, population of Georgia consisted of 5.400.841 people. Together with the indigenous nations - Georgians (3.787.393 - 70.13% of all population of the country) and Abkhazians (95.853 -18%) there are Armenians (437.211- 8.09%), Russians (341.172 - 6.3%), Azeris (307.556 - 5.69%), Ossetians (164.055 - 3.04%), Greeks (100.324 -1.86%), Ukrainians (52.443 - 0.97%), Kurds (33.331 - 0.62%), Jews (24.795 -0.45%), Byelorussians (8.565 - 0.16%), Yezids (6.206 - 0.11%), Tatars (4.099 - 0.08%) and scanty amount of representatives of other nations (0.71% of all population).

Georgia traditionally and historically has been known as a highly tolerant country, for which was unknown such events as national or religious hatred, xenophobia or discrimination, as well as the prosecutions on these grounds

Having accepted The Christianity (the Orthodox one) as a state religion in 337 A.D. Georgians during centuries were waging bloodsheding wars with neighboring Muslim states fighting for their independence and preservation of their culture based on the Christianity. But that did not affect their attitude towards the Muslim believers.

Even in XI-XIII centuries when religious hatred was prevailing in other parts of the world (the Western Europe, the Muslim Near and Middle East, Russia in XI-XV centuries), in the mighty Georgian feudal monarchy, which was spread throughout the whole South Caucasus, there was no trace of antissemitic or antimuslim ideology or practice, any xenophobia or other intolerance based on national or religious grounds.

It has been reflected in Latin, Arabic and Greek sources of XI-XV centuries. The well-known French scholar M. Defremery could not hide his astonishment while he was describing the status of different demographic strata in the Georgian kingdom.

Particularly were mentioned activities of the Georgian King David II (the XI century) and following monarchs used to visit Muslim mosques, Armenian and Catholic churches, Jewish synagogue, discussing philosophical and religious issues, making the money contributions. All the witnesses of this

period describe economic and cultural privileges given to the non-Georgian population.

The sign of this tolerance can be seen even today - there is a spot in the Old Town (a district in Tbilisi) where next to the Georgian Cathedral the Armenian church, the Jewish synagogue and the Muslim mosque can be seen standing almost side by side, on the other side of the river the Catholic Cathedral stands near the Russian Orthodox church.

Therefore even during the Communist regime nothing could force the Georgians to change their tolerance, while there was a real intolerance in regard to the Moscow totalitarian policy, nothing had affected the Russian population in Georgia.

All in all today there are 14 Jewish synagogues, 15 Muslim mosques, 1 Catholic Cathedral and 3 Armenian catholic churches, 11 Armenian-Gregorian churches and 8 Russian orthodox churches.

During the Soviet period there was no sign of antissemitism in Georgia, while it was one of the most persistent violations of human rights in Russia and some other parts of the former USSR.

The half of the all synagogues existed in the USSR were built and functioning in Georgia. In November of 1999 a historical event took place in Tbilisi - Pope John Paul visited Georgia. This event has been covered by the world mass media underlining the warm reception on all the levels of state and religious structures. As "Turkish Daily News" reported (10.11.99) in his homily at Tuesday's mass, The Pope told to a crowd of 10 000 men... that Georgia was a model of respect and tolerance towards of her religions and noted that places of worship for Christians, Jews and Moslems stood close together in Tbilisi."

That's why the problem under consideration has never been a real problem in Georgia; On the contrary, it was an example of the tolerance, more than pure tolerance, and that was proved, when not only all Georgia but the world community as well were celebrating 2600 years anniversary since the settling of the Jews in Georgia and known today as the Georgian Jews, with Georgian mother tongue, but devoted to their religion. The doors of synagogues have always been open for them, even during the worst period for Jews in the USSR. Many of them have left Georgia for Israel but even there they do not give up the Georgian language, traditions and name streets in Jerusalem and other cities after names of Georgian poets, writers, other well-known persons.

During the same period two ethnic and one confessional minorities enjoyed full freedom of the local self-determination resulted in creation of the Abkhazian Autonomous Republic (the ethnic Abkhazians - 17%, Georgians - 46%), Adjarian Autonomous Republic (the Muslim Georgians), South Ossetian Autonomous District (Ossetians - 60%, Georgians -30%).

2. There were no concerns on the problem until the end of 1980-ies and beginning of 1990-ies. Georgia was an example of tolerance in all the fields of social, political, economic and cultural rights. Even more: in Abkhazia and

Tskhinvali Region (so-called South Ossetia) the Georgian population could not enjoy human rights completely.

When the process of dissolution of the USSR has become a reality, the Moscow Government started provoking ethnic tensions within the borders of the former union republics backing a separatist movement of political, procommunist elite being at power in autonomous entities. A claim for independence turned into the armed conflicts, including Georgia.

In 1992 the Abkhzian separatists provoked an armed conflict trying to secede this one of the oldest parts of the Georgian territory. Being backed by foreign military, economic and financial support the separatists managed to get control over the whole territory of Abkhazia, having brutally exterminated the Georgian population in Abkhazia they proclaimed "an independent state " which has been rejected by the United Nations, OSCE, EU, the Council of Europe, CIS and other international organizations. Trying to forcibly change the demographic structure in the region the separatists conducted a brutal policy of genocidal ethnic cleansing manifested in mass killings and torturing of civilians, raping of women and children, more then 10000 civilians were killed others forcibly expelled. (see the UN Document A/52/116 or S/1997/317 or E/CN.4/132 2 April 1997). The Lisbon Summit of the OSCE condemned "the policy of ethnic cleaning resulting in mass destruction and forcible expulsion of the predominantly Georgian population in Abkhazia". It was condemned as well by the EU, COUNCIL OF EUROPE , CIS and others. The UN Security Council referred to the Lisbon decision in its resolution.

It is to be mentioned that anti-Georgian ideology which had been propagated by Abkhaz and Ossetian separatists through their mass media, especially by the Moscow means of information, provoked a strong nationalistic approach on the part of a radical wing of the national liberation movement, "guests leave the country"- was the slogan of the party which got the power in 1990. But this slogan had never been implemented except a short period 1990-1991, when during the conflict in "South Ossetia", many Ossetians, living in other parts of Georgia, have been forced to leave the country.

Otherwise, there has not been any serious ethnic tension among other minorities in Georgia, except of some sporadic episodes that can not be considered as a serious threat to an overall peaceful and friendly relations between numerous national, ethnic, religious, linguistic minorities, to status of individuals belonging to them in any sphere of life.

At the same time the government of Georgia is not satisfied with the measures aimed at protecting and promoting human rights for everyone on non-discriminatory basis and is preoccupied with full implementation of the existing legal basis, monitoring and reacting on every case, if any, of racial discrimination, intolerance, xenophobia and antisemitism.

3. Georgia acceded to "the Convention on the Elimination of the all Forms of Racial Discrimination" that entered into force on July 2, 1999.

But, as it can be seen from below, anti-discriminatory legislation in Georgia has been pursued for quite a long time, especially after entering the United Nations and OSCE as well as accession in 1994 to the both International Covenants on Human Rights and the Optional Protocol.

A new impetus has been given to these activities by the entering of Georgia the Council of Europe and the accession to the European Convention for the Protection of Human Rights and Fundamental Freedoms (1999), to other international and regional instruments.

.4. The Constitution of Georgia contains articles that create a solid legal basis for protection and promotion of human rights in the issues under consideration.

Article 6 states:

"1. The constitution of Georgia is the supreme law of the State. All other legal acts shall be issued in accordance with the constitution.

2. The legislation of Georgia corresponds with universally recognized principles and norms of international law. International treaties or agreements concluded with and by Georgia if it does not contradict the Constitution of Georgia take precedence over domestic normative acts."

Article 7:

"The State recognizes and protects universally recognized human rights and fundamental freedoms as eternal and supreme human values. While exercising power the people and the state are bound by these rights and freedoms as directly acting law."

Article 14 declares the general approach of the state to the problem of protection of human rights:

"Every human being is born free and is equal before the law regardless of race, skin color, language, sex, religion, political or other beliefs, national, ethnic and social belonging, origin, property, title of nobility or place of residence."

Article 9 underlines the freedom of belief:

"The State recognizes the special importance of the Georgian Orthodox Church in the Georgian history but simultaneously declares complete freedom of religious belief and confessions as well as independence of the church from the State."

Article 34 states:

"1. The State promotes the development of culture, the unrestricted participation of nationals in cultural life, the expression and enrichment of cultural originality, the recognition of national and universal values and the deepening of international cultural relationships.

2. Each citizen of Georgia is obliged to care for, protect and preserve the cultural heritage. The State protects the cultural heritage by law."

Article 38 specifically affects all kinds of minorities living in Georgia:

"1. Citizens of Georgia are equal in social, cultural and political life regardless of their national, ethnic, religious or language origin. According to universally recognized principles and norms they have the right to develop their own culture without any discrimination and interference. They may use their language in private and public life.

2. In according with universally recognized principles and norms of international law, the exercising of minority rights should not oppose the sovereignty, state system, territorial integrity and political independence of Georgia."

The Penal Code of Georgia which is in force until a new one started working (January 1, 2000), contained a special article titled "Violation of national and racial equality of rights" (Chapter II "Other crimes against the state", art. 75):

"Intended deeds aimed at provoking national or racial hatred or contradiction, at humiliating of national dignity, as well as direct or indirect restriction of citizens' rights based on their national or racial belonging, or creation for direct or indirect advantages..."

The article provided for terms of imprisonment depending on the level of a crime - up to 3, 5 or 10 years.

The new Penal Code specifies crimes committed on "the racial, religious, national or ethnic intolerance reasons"(articles 109, 117, 126, 142, 258, 407, 411).

It is to be mentioned article 142, which formulates a general approach to issue under consideration.

Chapter XXIII - "Crimes against human rights and freedoms, "article 142 - "Violation of human beings' equality" repeats the stipulations of article 14 of the Constitution cited above.

Article 407 provides punishment for the crime of genocide, article 411, qualifies crimes committed during armed conflicts and violating international humanitarian law, includes crimes as apartheid or other inhuman deeds based on racial discrimination.

The Code particularly provides a heavy punishment for destroying of graves, monuments and other cemetery constructions committed on racial, religious, national or ethnic intolerance grounds (art. 258,3).

The Civil Code of Georgia admits for the registration of organizations or unions if their charter does not violate law, common moral norms or principles of the Constitution of Georgia (article 31, par. 2).

The Penal Procedure Code guarantees equality of all human beings before the Court and during the all steps of the criminal investigation procedure.

Article 2 of the Code states that norms of the Code reflect ones of the Constitution, international treaties, other laws, as well as general principles and norms of International Law.

Law that revokes or restricts human rights and freedoms is not applicable in the criminal procedure.

The Civil Procedure Code contains the same provisions, guaranteeing to everyone the right to appeal to the Court for protection of their interests.

The Penal Code criminalising conducts against safety of a person does not distinguish the object of crime on the racial basis.

Article 28 of the Constitution states:

"1. Every citizen of Georgia who has attained the age of 18 years has the right to participate in referenda and elections of state and self-governing bodies. The freedom of constituents to express their will of electors is guaranteed.

2.Only individuals who are confirmed as ineligible by a court or who have been deprived of their liberty by the due process of law are deprived of the right to participate in elections and referenda."

In accordance with article 2 of The Law on the Parliamentary Elections every citizen has a right to elect or to be elected regardless of race, skin color, language, sex, religion, education, political or other beliefs, national, ethnic and social belonging, origin, property or title of nobility.

The same stipulation contains The Law on the Presidential Elections (article 3,1).

It is enough to say that there are 17 members representing the national minorities in the Parliament and in regions where the bulk of the population consists of national minorities, the majority of elected bodies and representatives of these minorities occupy leading executive offices. For example, in Marneuli and neighboring districts there are 38 Azeris, in Thethry-Tskaro - 12 Greeks, in Samtskhe-Javakhety - 58 Armenians, many of representatives of minorities' work in other state bodies and those of within the Central governmental instances.

It is to be mentioned that during any elections the participation of members of national minorities is always higher than that of the Georgian electorate.

During the last elections to the Parliament (October 31, 1999) The participation of the national minorities in areas where they live compactly reached 80-90% in comparison to other areas - 50-60% and even less.

The Constitution states:

"Every individual has the right to freedom of speech, thought conscience, religion and belief.

The persecution of an individual for his thoughts, beliefs or religion is prohibited, as is compulsion to express opinions about them.

These rights may not be restricted unless the exercise of these rights infringes upon the rights of other individuals" (art. 19).

"Every individual has the right to freely receive and disseminate information, to express and disseminate his opinion orally, in writing or in any other form.

The mass media is free. Censorship is prohibited.

Monopolization of the mass media or the means of dissemination of information by the state or natural persons is prohibited.

Clauses 1 and 2 of this article can be restricted by law when conditions make it necessary to do so in order to guarantee, and by the conditions necessary in a democratic society for the guarantee of state and public security, territorial integrity, prevention of crime, and the defense of rights and dignities of others, to avoid the revelation of confidentially received information or to guarantee the independence and impartiality of justice in a democratic society" (art. 24).

Georgia is the party to the 1958 International Convention on Discrimination in the Field of Labor and Employ. The proceeding principles of Georgian labor legislation are: Advantage to the free ownership and free competition, prohibition of monopolist business, defense of labor rights indifferently for everybody.

The Constitution states:

"Everyone has the right to education. Freedom of choice in education is guaranteed.

The state guarantees that educational programs conform to international standards and rights.

The state guarantees pre-school education. Primary education is mandatory for all. The state provides free primary education for all. Citizens have the right to free secondary, professional and tertiary education at state institutes within the framework and by the rules established in law.

The state supports educational institutions as established in law" (art. 35).

5. A real picture reflecting implementation of these stipulations regarding persons belonging to different minorities and aliens is shown below.

In this connection articles 34 and 38 of the Constitution shall be referred (see par. 3 above).

As it was mentioned above there are many minorities and ethnic groups inhabiting in Georgia, whose rights are fully guaranteed by the Constitution of Georgia and with the proper practice.

There are 141 Azerbaijanian schools and 8 independent sectors at other schools, 133 Armenian schools and 20 independent sectors, 87 Russian schools and 152 independent sectors, 10 independent Ossetian sectors in Georgia; There are 361 non-Georgian schools and 190 independent sectors functioning in Georgia, where lessons are carried out in mother language of the national minorities (here and thereof Abkhazian and South Ossetian dates are not taken into account). There are several schools functioning in Georgia with intensive course of number of foreign languages and among them the Modern Greek.

Nowadays, at Tbilisi State University of Ivane Javakhishvili there are 12 departments where lectures are delivered in Russian, at Tbilisi State Technical

University –21, at Tbilisi State Pedagogical University of Sulkhan-Saba – 7, at Tbilisi State Medical University – 1, at Georgian Zooveterinarian Institute –2. There are Russian departments and faculties existing at the State University of Batumi and Kutaisi, at the Economic Institute of Gori and the Telavi Pedagogical Institute of I. Goghebashvili. Therefore the youth obtains over 50 professions in Russian only at high state schools of Georgia. The studies in the Russian language are carried out in several commercial high schools. Besides this, Armenian, Azerbaijanian and Modern Greek languages and literature are taught at Tbilisi State University and also Caucasian languages and literature. There are Azerbaijanian and Armenian and Armenian languages and literature faculties at Tbilisi State Pedagogical Institute. There are Commercial Greek University of Aristotle and Turkish College of Demireli in Tbilisi.

This is the general picture for getting the education by minorities in their mother tongue.

There are over 10 only Russian social organizations and unions in Georgia, the Georgian Department of International Association of Teachers Russian Literature and Language, The International Society of Pushkin in Georgia, the Russian and Armenian unions (and also the unions of other minorities) of Georgian Union of Writers, 3 Russian State Theatres, 1 State and 3 National Armenian Theatres, 2 National Azerbaijanian Theatres. There are Folk Ensembles created by minorities (the Armenian's, the Azerbaijanian's, the Greek's, the Kurd's, the Yasicl's German's and etc.).

There are 7 newspapers in the Russian language, (among them regional Georgian-Russian) and 3 magazines, 4 Armenian newspapers (1 republican, 3 regional, one of them is Georgian-Armenian), 3 Azerbaijanian newspapers (1 republican, 2 regional Georgian-Azerabaijanian), the Greek Diaspora publishes 3 newspapers, the Jewish – 2, the Russian-Kurdish –one. There are Russian sectors functioning in Georgian TV and Radio broadcast. There are also Armenian and Azerbaijanian Radio broadcastings.

In Georgia together with other famous representatives, the most honorable once are those, whose life and activities are connected with their stay in Georgia. The streets are wearing their names, the museums are founded, and the monuments are created. There is the Georgian-Jewish historical-ethnographic museum of Baazov; Russian, Armenian, Azerbaijanian and other famous persons' cemeteries and monuments, the memorial cemeteries of Russian soldiers died from wounds at our hospitals during the Second World War and the memorial cemeteries of Germans died in prisons camps are located and guarded.

During 1944-1946 German, Greek, Muslim Georgians from Southern Region of Georgia - Meskhetia and other minorities were expelled from Georgia by the Soviet government and settled them in the Central Asia. Many of them have returned to their homes after 1956. But problem of Muslim Meskhs is still a problem - more then 300 000 men are still abroad. There is the

repatriation service created at the President's office, which takes care directly of the problem of settlement of Muslim Meskhs, the corresponding declaration was adopted aimed at returning of expelled during 10 years gradually.

The serious input in the strengthening of the guarantees of the rights of minorities was made by the head of the government's order N 249, December 30, 1994, regarding the additional steps for fulfillment of the reform at the board land. Some of the national minorities live in this area and until the above-mentioned edict, the several important positions of the earthwork reform were not spread over these regions. At the present moment the limits on the allotments for new personal plots are removed.

Since 1994 tens of thousands of representatives of national minorities as well as Georgians have left Georgia. However such development of emigration process was not caused by discrimination factors those of as unfair treatment by authorities or the Georgian population of the minorities, impossibility of realization of needs in culture and language etc. Main reasons were the low standard of living, uncertainty of tomorrow, heavy criminal situation.

The main concern of the Government has been caused by the circumstances related to such cultural-confessional minorities as Molocans and Dukhabors.

Lately, the significant departures to Russian Federation of most capable and well-founded members of the communities are noticed.

Researches made in 1992 - 1995 in places of compact residence of Molokans and Dukhabors in villages Ulianovka (Sighnaghi district), Krasnogorka (Sagaredjo district), Gorelovka, Spassovka, Orlovka (Ninotsminda district), showed that, the departures of members of communities is caused by the worsening of the economic situation in the Republic and not by the factors of confessional and cultural discrimination.

6. The Constitution protects the status of foreigners:

"Foreign citizens and stateless persons living in Georgia have the rights and obligations equal to the rights and obligations of citizens of Georgia with some exceptions envisaged by the Constitution and law.

As determined by law and in accordance with universally recognized norms of international law, Georgia gives asylum to foreign citizens and stateless persons.

Extradition of a person who has been given asylum to another state, who is pursued on political grounds or pursued for an activity which is not regarded as a crime by the legislation of Georgia is prohibited" (art. 47).

According to the Legal Status of Aliens Act of 3 June 1993, foreigners are guaranteed the rights and freedoms provided by the legislation of Georgia. Their legal status is determined by the Constitution, the Act and other enactment of the Republic, as well as by international conventions and universally recognized international norms relating to the protection of human rights (art. 2).

Foreigners in Georgia enjoy the equal rights under the law, irrespective of origin, social and material status, race, nationality, sex, education, language, religion, political or other views, occupation, etc. Georgia protects the life, security of person, and rights and freedoms of aliens on its territory (art. 3).

Georgia offers asylum to foreigners persecuted in their own country for defending peace and human rights and for progressive socio-political, scientific and other creative activity.

Under the act, asylum is not granted to foreigners whose views and activities are contrary to the aims and principles of the United Nations or the State interests of Georgia.

Foreigners in Georgia are granted the following basic rights: the right to work, the right to rest, the right to health care, the right to social security, property rights, the right to education, the right to enjoy cultural values, the right to join political and social organizations, the right to have a religion or belief, the right to matrimonial and family relations.

Foreigners are guaranteed protection of the person and non-interference with their privacy and family in accordance with article 17. The Act also provides for the right of liberty of movement and choice of residence and regulates the right to vote and the question of military service.

The Act establishes the principles governing the liability of foreigners for crimes and administrative and other offences under Georgian law, except in so far international agreements provide otherwise.

7. As it has been mentioned there are not many cases of racial discrimination, intolerance, xenophobia or antisemitism on the part of state authorities. Neither it can be found in private sectors, nor in interpersonal relations. That's why the judiciary practice is very "poor" in this regard.

The most shocking cases occurred 3 years ago and on October 17, 1999.

In 1996 an article insulting the Georgian Jews was published in a less known newspaper. That was condemned by the whole Georgian society. The author, G. Alaznispireli, was brought to the court and sentenced in accordance with the article 75 of the Penal Code to two years in imprisonment.

On October 17, 1999 a meeting of the Jehovah's Witness in Tbilisi was dispersed, with heavy injuries, by a crowd of radical Christians led by an odious person "father Basily", who had been cut of the Georgian Orthodox church by the Synod two years ago for his unacceptable activities.

The president of Georgia reacted to these events very severely and ordered to properly investigate and bring to the court all offenders (October 24, 1999 N 3101).

Many Georgian non-governmental organizations adopted resolutions condemning absolutely unacceptable, barbaric acts.

Up to day the police has started investigation aimed at bringing to justice "Father Basily" and other participants of the group. There is no doubt that the group will meet a proper, fair punishment.

Earlier the leader of one of the political parties, took some measures to prevent Jehovah's Witness, registered on April 17, 1998, from bringing to Georgia the books and booklets.

Later he appealed to the court requesting revocation of the registration.

The court rejected the charges and defended rights of the religious group in accordance with the Constitution of Georgia.

8. As it has been mentioned there is no special body dealing with the racial discrimination, tolerance, xenophobia and antisemitism since there has not been any particular need for that.

The Committee pursued very fruitful activities on Protection of Human Rights and Interethnic Relations, which functioned, from 1992 to 1996. Later the Ombudsman office replaced it.

In 1998 a new special office of the Assistant to the President on Interethnic Relations was established with a staff comprised of representatives of national minorities - Armenians, Azerbaijanans, Russians and others, the chair of assistant is occupied by the well known scholar, Prof. A.Gerassimov, being ethnically a Russian, he like others fluently speaks Georgian. The assistant to the President of Georgia vested in the inter-ethnic relations mostly is involved in monitoring of the existing situation in the field of protection of persons belonging to national, ethnic, religious and linguistic groups, in drafting of new laws or other normative acts for further promotion and protection of the mentioned persons and groups (minorities).

Several international seminars and round tables have been convened during the last four years.

In the system of legislative power the Committee on Human Rights and Ethnic Minorities is functioning in the Parliament of Georgia. A draft law on national minorities has been prepared for consideration by the Parliament.

On the initiation of the President of Georgia in 1997 a Department on Human Rights Issues was established in the Apparatus of National Security Council of Georgia headed by the Deputy Secretary of the National Security Council of Georgia, who besides executive and coordinating functions owns controlling power. Close collaboration with the apparatus of the President and corresponding ministries and institutions the Deputy secretary of the National Security Council grants a serious contribution to practical exercise of legal guarantees of human rights in the State. The former vice-speaker of the Parliament of Georgia, a well-known human rights defender, politician and scholar Mrs. Rusudan Beridze occupies the chair.

As it was mentioned the office of Public Defender was established in Georgia. "The Law on Public Defender" elaborated with the help of international experts, grants the Ombudsman with a wide power in the field of revealing and investigating abuses of human rights by the State bodies. Proposals and recommendations of the Public Defender for elimination of cases

of violation were mostly taken into consideration and fulfilled by the state bodies.

After holding the first elections of local bodies in 1998 Commissions on Human Rights Issues were established in most bodies of local authority.

The major event of recent history of Georgia was its entry to the Council of Europe (April 1999). This confirms the fact that the European Community highly appreciates the achievements of Georgia in building legal society and at the same time it lays great responsibility on our State in the sphere of protection of human rights and fundamental freedoms. In the framework of the Convention on Human Rights and Fundamental Freedoms of Georgia acknowledged jurisdiction of the European Court on Human Rights where the former President of the Supreme Court of Georgia Prof. Mindia Ugrekhelidze has already been elected.

A well-known expert on international law Prof. Levan Alexidze has been designated as a member of The European Commission against Racism and Intolerance.

There are over 100 non-governmental organizations in Georgia monitoring and actively defending human rights for all irrespective of citizenship, race, color, etc.

So far their activities have not met serious cases under consideration, except some mentioned above.

There is no special training in this field, but a persistent education - courses, seminars, round tables (conducted by national and international experts) - has taken place on all issues of human rights and their fair protection.

9. In the retrospective of Georgian culture and history a woman is traditionally considered as a protector of family, social and cultural values. It is said, that a woman is in great respect in Georgia, what we can clearly see in historical masterpieces, arts, literature and especially in the richest Georgian poetry and Georgian folklore. In these masterpieces a woman occurs to be not only the mother of a family but also a politician and defender of motherland. At the same time the worship formed in Georgian society is mainly associated with a woman-mother.

Traditionally in Georgian society men play the dominant role. Despite that there is no discriminative statement in Georgian legislation toward women, the asymmetry of men and women social positions is obvious.

On September 22, 1994, Georgia joined "the Convention on the Elimination of all Forms of Discrimination against Women", by that the country is responsible to exercise all the articles of the Convention. The main state bodies, which work on the problems given in the Convention, are the Ministries of Health, Education, Internal Affairs, Social Security, Refugees and Internally Displaced Persons.

In 1995 the Georgian Delegation participated in IV World Conference in Beijing and signed the Beijing Platform.

On February 20, 1998, the State Commission on Elaboration of State Policy for women's Advancement was established by the Order of the President of Georgia.

The National Plan of Action for improving women's conditions was approved by the Order of the President of Georgia on June 1998

The joint project of government of Georgia and UNDP "Women in Development" had been implemented (1997-1998).

In 1996 the protection of human rights was declared the priority in the country. For last two years the special attention has been devoted to gender equality and advancement of women.

In terms of the critical areas of concern of the Platform of Action the country's priorities are the problem of poverty since the social situation is very hard, women and armed conflict since Georgia overcame the tragedy of totalitarian system, civil war and domestic conflicts. There are 280 000 IDP-s from Abkhazia (Georgia) and Tskhinvali Region in Georgia; among them 150 000 are women and children. Priority is health condition of women; serious projects are underway.

Creation of Commission, approval of the National Plan for Action and steps taken for implementation of this Plan show that the government is seriously interested in gender problems. The project "Women in Development" has provided great activities in this direction. Some problems were connected with the difficulties of communication with women, especially in regions. The interest of mass media on gender issues is low. Women's image formed by media is either stereotypical or negative. Economic and financial situation has influenced on socio-economic conditions of women. Women in Georgia have very high intellectual potential. High level of unemployment decreased the use of this potential. Women face the obstacles in business and credit system. But those problems occur to be common for both genders.

The Global financial crisis, especially crisis in Russia has effected Georgia. In autumn, 1998 financial crisis resulted lack of resources to pay pensions and salaries to the people working in budget institutions. Teachers and doctors mostly women didn't receive their salaries for several months. At the end of 1998 and in the beginning of 1999 the situation has improved, but great difficulties are remaining.

Establishment of a Department on Women Issues and creation of gender units within governmental structures are considered by the Government of Georgia. This is very important but at the present moment budget difficulties don't allow to decide these issues.

Information on gender equality to the society is provided through seminars, debates, publications, forums and mass media by NGO's and UNDP project. Ministry of Justice evaluates laws and bills from a gender

perspective. The Department of Statistics collects and analyzes the statistic data reflecting women and men's conditions.

Women's role and participation in the decision-making processes is not satisfactory. There are 17 MP's, from total 235 MP's, 2 of them are chairing standing committees - on human rights and on international relations, 2 women-ministers (foreign trade and ecology), 6 deputy ministers (foreign affairs, justice, state property management, finance, healthcare and social protection, culture), Deputy Ombudsman and Deputy Secretary of the National Security Council on Human Rights Issues are women. Local elections were held in Georgia in 1998 and 1349 women became members of local authorities, 70 judges from total 170 are women. From 12 judges of the Supreme Court elected recently 6 were women. The situation has the tendency to improvement.

There is no doubt that women still are not properly represented in the state's legislative and executive structures that has been rooted mostly in traditional approach of the Georgian population to the role of women in the family life and still vesting men with the decision-making power.

The poverty growth among women in transitional period mostly depends on the economic situation in the country. Ministry of Agriculture and Food is working out the programme on eradication of poverty among women in rural areas, Ministry of Economy - projects supporting increase of women family income. The Parliament of Georgia adopted the Law on High Mountain Regions establishing benefits for doctors, teachers and employees in high mountain regions. The problem of poverty is a very painful problem for population of Georgia.

Georgia is trying to solve peacefully conflict in Abkhazia (Georgia), where predominantly Georgians were forcibly expelled from their homes, thousands were killed, women and children among them. OSCE Budapest and Lisbon Summits recognized that there was ethnic cleansing of Georgians in Abkhazia. The State takes all necessary measures to support IDP's, but their living conditions still remain hard. The territory of Abkhazia is not under Georgian jurisdiction so the Government has no mechanisms to protect the Georgians living in Abkhazia. The process of political settlement is underway, but real results are vague.

Women health and family planning is the priority of government policy. The Ministry of Health worked out programs, which are underway. Free emergency aid is provided for population in Tbilisi. Program for free treatment of jobless persons and other vulnerable groups, including women is being worked out.

The knowledge of human rights is not satisfactory. So there is the need to conduct training on human rights and rights of women among them for governmental structure, mass media, secondary schools, institutes of higher education, law enforcement institutions and population.

On June 1999 the initial report of Georgia was considered on twenty-first Session of the Committee on the Elimination of Discrimination Against Women. The Committee gave high appreciation to the Government of Georgia for the work carried out; at the same time the Committee gave its recommendations. Based on these recommendations the State Commission has prepared the draft of the Decree of the President about Measures on Strengthening the Protection of Women's Rights in Georgia. This draft was considered on the sitting of the Government of Georgia and signed by the President. According to the decree (N 511) the State Commission shall monitor implementation of Natural Plan, prepare the National Program on combating violence against women including domestic violence.

The joint program of UNDP and the Government of Georgia "Women in Development" envisaged assistance to the Government in implementing above mentioned goals. The first phase of this program has been a substantial contribution in revising the public and state attitude towards gender problems, widened public awareness on these problems, facilitated women's more active involvement in the country's socio-economic and political life. The traditional attitude denying the gender-based discrimination in Georgia has been making the women problems almost invisible for the society. The project implementation made the society and official bodies pay attention to the gender problems. The project implementation contributed to the establishment national machinery on women's issues and development of National Plan. The increased interest of the society towards gender issues has been reflected in the increased number of women's NGO's. It should be mentioned that from total 27 members of the Commission 9 are the representatives of NGO's. About 60 NGO's have systematically taken participation in the work of the Commission.

The second phase of the Project, we hope, will help to create appropriate conditions for further development. The staff of the State Commission would have benefited from systematic training, workshops and study tours in order to better coordinate the work of Ministries on the implementation of the National Action Plan, the State Commission would have lobbied the Government, the legislation would have been analyzed from a gender point of view and so on.

10. As it was mentioned above there has not been troubling situation with regard to the issues under consideration except of very tragic position of refugees and internally displaced persons expelled from Abkhazia and Tskhinvali Region / South Ossetia.

The Government has done its best to protect human rights of more then 280 000 persons (most of them women and children) provide them with housing, family allowances, humanitarian aid what would not have been possible without support of the donor community, particularly ICRC, IFPC and UNHCR have to be mentioned, who during last five years spent more than 100 million USD.

Many countries and international governmental and non-governmental organizations have been involved in the aid response activities.

Georgia acceded to the Convention on Status of Refugees. A special Ministry of Refugees and Settlement has been established, the Parliament of Georgia passed the Law on Forcibly Displaced Persons (June 28, 1996). Up to day over 50 normative acts (laws, President's orders and decrees etc.) have been issued aiming at lifting the tragic burden of people expelled from their houses as a result of atrocities and ethnic cleansing committed by separatist regime. But there is a lot to be done in these field hopping that this tragic situation soon be changed and the people will be able to return to the places of their permanent residence in Abkhazia and in South Ossetia, Georgia.